IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
And
THE HON'BLE SRI JUSTICE D.APPA RAO

WP No. 21666 of 2006

Between :

Smt. Inayath Khathoon, D/o Amjad Shareef.

..Petitioner

The Assistant Secretary, Regional Tranport Authority, Secunderabad, Hyderabad District and another.

..Respondents

Dated : 30th October, 2006

ORDER : (per JC,J)

Writ Petition is filed with the prayer as follows :

" For the reasons stated in the accompanying affidavit the above named petitioner prays that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly on in the nature of Writ of Mandamus declaring the demand notice issued by the 1st respondent vide R.No.5254/A3/2006 dated 22-9-2006 as illegal, arbitrary, contrary to law and setaside the same, consequently direct the respondents herein to release the Petitioner's Light Motor Veicle/DCM Van bearing No.AP05X 1822 forthwith and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner is the owner of a vehicle bearing No.

AP05X 1822. On 30.8.2006, the said vehicle was stopped and checked by the 2nd respondent and noticed the following irregularities

" 1. No proof of tax for Q.E.30.09.2006.
2. No proof of F.C.
3. I.C. not produced.
4. D.L. not produced.
5. PUC not produced."

Therefore, he seized the vehicle under Section 8 and Section 207 of the AP Motor Vehicles Act. Thereafter, an enquiry was followed. The petitioner submitted his explanation for the show-cause notice issued by the 2nd respondent and the same was not accepted, which eventually lead to the passing of the order dated 22.9.2006 by which the tax liability of the petitioner was determined as Rs.5780/- for three quarters commencing from 31.3.2006 to 30.09.2006 and a penalty of Rs.9600/- for the corresponding period. Challenging the said order, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader.

In the circumstances, we are of the opinion that the matter can be disposed of directing the respondents to release the above mentioned vehicle on condition of the petitioner paying the tax of Rs.5780/- and furnishing immoveable property security insofar as the amount of penalty of Rs.9600/- is concerned without prejudice to the right of the petitioner to prefer an appeal against the imposition of penalty.

The writ petition is accordingly disposed of at the stage of admission.

(J.CHELAMESWAR, J)

(D.APPA RAO,J)

Note :
Operative portion by wire
at party's costs
(b/o)
knk
30th October, 2006.